UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PECOLA COUSAR, Plaintiff, - against - NEW YORK-PRESBYTERIAN/QUEENS, Defendant.	Index No. 16-cv-1784 (MKB-LB) **ANSWER TO THE COMPLAINT AND DEFENSES**

Defendant, New York-Presbyterian/Queens (hereinafter "Defendant" or "Hospital"), through its attorneys Epstein Becker & Green, P.C., hereby answers the Complaint as follows:

1. The allegations contained in Paragraph 1 of the Complaint do not constitute a proper pleading requiring a response. To the extent that a response is required, denies the allegations and denies that the Hospital discriminated against Plaintiff or retaliated against Plaintiff or created a hostile work environment or violated the law in any manner.
2. The allegations contained in Paragraph 2 of the Complaint constitute a legal conclusion to which a response is not required.
3. The allegations contained in Paragraph 3 of the Complaint constitute a legal conclusion to which a response is not required. To the extent that a response is required, denies the allegations except admits that Plaintiff was employed by Defendant within the Eastern District of New York.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint.

5. Denies the allegations contained in Paragraph 5 of the Complaint, except admits that Plaintiff was employed within the Eastern District of New York.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint, except admits that Plaintiff was employed by Defendant from April 11, 2011 to August 20, 2015.
7. Admits the allegations contained in Paragraph 7 of the Complaint.
8. The allegations contained in Paragraph 8 of the Complaint constitute a legal conclusion to which a response is not required.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.
10. Denies the allegations contained in Paragraph 10 of the Complaint.
11. Denies the allegations contained in Paragraph 11 of the Complaint.
12. Denies the allegations contained in Paragraph 12 of the Complaint.
13. Denies the allegations contained in Paragraph 13 of the Complaint.
14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.
15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.
16. Denies the allegations contained in Paragraph 16 of the Complaint.
17. Denies the allegations contained in Paragraph 17 of the Complaint.
18. Denies the allegations contained in Paragraph 18 of the Complaint.
19. Denies the allegations contained in Paragraph 19 of the Complaint.
20. Denies the allegations contained in Paragraph 20 of the Complaint.

21. Denies the allegations contained in Paragraph 21 of the Complaint.
22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint, except denies that Plaintiff duly informed her supervisors of the absence leading to her one day suspension.
23. Denies the allegations contained in Paragraph 23 of the Complaint.
24. Denies the allegations contained in Paragraph 24 of the Complaint.
25. Denies the allegations contained in Paragraph 25 of the Complaint.
26. Denies the allegations contained in Paragraph 26 of the Complaint.
27. Denies the allegations contained in Paragraph 27 of the Complaint.
28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint.
29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint.
30. Denies the allegations contained in Paragraph 30 of the Complaint.
31. Denies the allegations contained in Paragraph 31 of the Complaint, except admits that the Hospital terminated Plaintiff's employment on August 20, 2015.
32. Denies the allegations contained in Paragraph 32 of the Complaint.
33. Denies the allegations contained in Paragraph 33 of the Complaint.
34. Denies the allegations contained in Paragraph 34 of the Complaint.
35. Denies the allegations contained in Paragraph 35 of the Complaint.
36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint.
37. Denies the allegations contained in Paragraph 37 of the Complaint.

38. Denies the allegations contained in Paragraph 38 of the Complaint.

39. Denies the allegations contained in Paragraph 39 of the Complaint.

40. Denies the allegations contained in Paragraph 40 of the Complaint.

41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. Denies the allegations contained in Paragraph 42 of the Complaint.

43. Denies that Plaintiff is entitled to any judgment or relief of any kind, including the relief sought in the Wherefore Clause and Subparagraphs thereof of the Complaint.

DEFENSES

FIRST DEFENSE

44. The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

SECOND DEFENSE

45. Plaintiff never notified her supervisors at the Hospital regarding her alleged disability, nor requested any reasonable accommodation for any alleged disability.

THIRD DEFENSE

46. Plaintiff does not suffer from a disability within the meaning of applicable law.

FOURTH DEFENSE

47. Plaintiff's claims are barred, in whole or in part, by the applicable Statute of Limitations.

FIFTH DEFENSE

48. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands as Plaintiff's own conduct caused the termination of her employment by the Hospital.

SIXTH DEFENSE

49. Plaintiff's claims are barred, in whole or in part, due to her failure to mitigate her damages.

SEVENTH DEFENSE

50. All of Defendant's actions with regard to Plaintiff were based upon legitimate business related reasons and undertaken in good faith and without malice or ill will.

EIGHTH DEFENSE

51. Plaintiff fails to state a claim upon which punitive damages can be granted as the Hospital did not engage in conduct rising to that level.

NINTH DEFENSE

52. Plaintiff has not suffered any legally cognizable damage attributable to the Hospital.

FIRST AFFIRMATIVE DEFENSE

53. At all times, the Hospital acted in good faith and has not violated any rights which may be secured to Plaintiff under any federal, state or local law, rule, regulation or guideline.

SECOND AFFIRMATIVE DEFENSE

54. The Hospital reasonably accommodated any requests made by Plaintiff for time off or other accommodations so that she could perform her essential job duties.

WHEREFORE, Defendant, New York-Presbyterian/Queens, requests that the Court enter judgment dismissing the Complaint with prejudice, awarding Defendant costs, disbursements and reasonable attorney's fees and awarding Defendant such other further relief that the Court deems equitable and just.

Dated: New York, New York
June 9, 2016

EPSTEIN BECKER & GREEN, P.C.

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